

## REMARKS

### **I. INTRODUCTION**

Claims 16, 26 and 32 have been amended. No new matter added has been added. Thus, claims 16-26 and 28-32 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

### **II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

The Examiner has rejected claims 16-18, 20-22, 24,25 and 32 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,540,137 to Forsythe et al. ("the Forsythe patent") in view of U.S. Patent Application Publication No. 2003/0018550 to Rotman et al. ("the Rotman application"). (See 5/19/05 Office Action, ¶ 3).

The Forsythe patent describes a checkout system 10 which is operable in an assisted checkout transaction aided by personnel at a retail store or a self-service checkout transaction performed solely by a customer. (See the Forsythe patent, col. 40, lines 45-51). The system 10 includes a customer interface terminal 78 which consists of a display monitor 78a, a scanner 24 and an electronic payment terminal 44. (Id. at col. 41, lines 15-20; col. 42, line 66 - col. 43, line 7). During the self-service checkout transaction, the customer scans items and views item prices and a total on the display monitor 78a. (Id. at col. 17, lines 14-27). An advertisement corresponding to one of the items or a customer profile loaded in an in-store network is shown on the display monitor 78a. (Id. at col. 17, lines 28-50). Payment is made via a currency acceptor or charging a credit/debit card at the electronic payment terminal 44. (Id. at col. 11, lines 30-63).

The Rotman application describes a system for providing near real-time market information predications based on money flow maps derived from payment transaction

information. (See the Rotman application, ¶ [0024]). During a payment transaction, a merchant computes a transaction total based on goods and services selected by a customer. (Id. at ¶ [0058]). The transaction total is forwarded to a credit card clearinghouse, which in turn, forwards the total to a credit card issuer to seek approval of the total. (Id. at ¶ [0058]). If the transaction is approved, the transaction total is put into a transactional database. (Id. at ¶ [0058]). Information in the transactional database is scaled and normalized so that it may be applied “to known or newly created models for predicting financial metrics, such as stock price, interest rates or commodity supplies. (Id. at ¶ [0057]).

Claim 16 of the present application is directed to a method for conducting a transaction using a cashier-side unit and a customer-response unit, which includes the steps of “receiving, via the communications link of the customer-response unit, content for presentation at the customer-response unit during the transaction, wherein the content is unrelated to data essential for completion of the transaction” and “collecting information including one of a customer response to the content and a non-response to the content.” According to the present specification, a customer is able to choose whether to respond to an advertisement, promotion or survey. (See Specification, page 7, lines 14-19). Thus, the customer response is not necessary in order to complete the transaction.

In contrast, the Forsythe patent describes advertisements which are merely displayed to the customer during a transaction. The Forsythe patent neither shows nor suggests that the customer can respond to the advertisements. The advertisements are displayed simply to “influence the customer to buy additional items.” (See the Forsythe patent, col. 34, lines 48-51). Thus, it is respectfully submitted that the Forsythe patent does not disclose or suggest “receiving, via the communications link of the customer-response unit, content for presentation at the customer-response unit during the transaction, wherein the content is unrelated to data essential for completion of the transaction” and “collecting information including one of a customer response to the content and a non-response to the content,” as recited in claim 16, and that the Rotman application is insufficient to cure this deficiency of the Forsythe patent. Thus, it is

respectfully requested that the Examiner withdraw the rejection of claim 16.

In view of the above remarks, it is respectfully submitted that claims 17-18, 20-22 and 24-25, which depend from and, therefore, include the limitations of claim 16, are allowable for at least the reasons stated above. Furthermore, independent claim 32, which includes substantially the same limitations as claim 16 including "receiving, via the communications link of the customer-response unit, content for presentation at the customer-response unit during the transaction, wherein the content is unrelated to data essential for completion of the transaction" and "receiving customer responses to the content," should be allowable for the reasons stated above.

The Examiner has rejected claims 19, 23, 26 and 28-31 under 35 U.S.C. 103(a) as unpatentable over the Forsythe patent in view of the Rotman application and in further view of U.S. Patent Application Publication No. 2003/0126020 to Smith et al. ("the Smith application"). (See 5/19/05 Office Action, p. 5).

As amended, claim 26 is directed to a system for conducting a transaction which includes a customer-response unit comprising "an interface to a content-provider for receiving content for presentation, wherein the content is unrelated to data essential for completion of the transaction" and "a customer interface for receiving customer input and customer responses to the content." As discussed above with reference to claim 16, neither the Forsythe patent nor the Rotman application discloses or suggests "receiving, via the communications link of the customer-response unit, content for presentation at the customer-response unit during the transaction, wherein the content is unrelated to data essential for completion of the transaction" and "collecting information including one of a customer response to the content and a non-response to the content." The Smith application is directed to a method for the generation and transmission of electronic receipts. (See the Smith application, Abstract). As such, the Smith application does not cure the deficiencies of the Forsythe patent and the Rotman application. Therefore, it is respectfully submitted that neither the Forsythe patent nor the Rotman application

nor the Smith application, either alone or in combination, discloses or suggests "an interface to a content-provider for receiving content for presentation, wherein the content is unrelated to data essential for completion of the transaction" and "a customer interface for receiving customer input and customer responses to the content."

In view of the above remarks, it is respectfully submitted that claims 28-31, which depend from and, therefore, include the limitations of claim 26, are allowable for at least the reasons stated above. Because claims 19 and 23 depend from and, therefore, include the limitations of claim 16, it is respectfully submitted that these claims are allowable for the same reasons as stated above with regard to claim 16.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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